

EG&G ROCKY FLATS, INC.
ROCKY FLATS PLANT, P.O. BOX 464, GOLDEN, COLORADO 80402-0464 • (303) 966-7000

91-RF-8326

Attn: F. R. Lockhart

OPERABLE UNIT 1 INTERIM REMEDIAL ACTION (IRA) ISSUES - JEE-0436-91

Construction of the french drain as an Interim Measure on Operable Unit No. 1 (OU 1), 881 Hillside, to prevent further spread of contaminants presents several outstanding issues. The Interagency Agreement (IAG) requires that construction begin; however, required procedures of several regulations have not yet been completed. These include wetlands regulations, the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act, the Threatened and Endangered Species Act and certain aspects of the Natural Resource Damage Assessment.

- The Department of Energy (DOE) requirement to publish notice of the wetland assessment in the Federal Register and to allow public comment before undertaking any action required under 10 CFR 1022 has not been completed.
- Formal consultation under the Fish and Wildlife Coordination Act (16 USC 661-666c) before impacting a wetland has yet to be accomplished.
- Formal consultation under the Migratory Bird Treaty Act to ensure that no unregulated take of either migratory birds or destruction of their habitat is not completed.
- Consultation under the Natural Resource Damage Assessment regulations is incomplete, and no covenant not to sue has been obtained.

This letter is a request for written confirmation of verbal instructions to continue with the construction of the OU 1 IRA while the outstanding issues are resolved. We will continue to support DOE's efforts to satisfy these issues, while diligently attempting to maintain the schedule for completion of construction to meet the requirements of the IAG. If DOE's directions are other than outlined by this memorandum, please notify P. S. Bunge of Remediation Programs (at extension 7121) or myself (at extension 4934).

J. E. Evered, Director
Environmental Management

LEW:plf

Orig. and 1 cc - R. M. Nelson, Jr.

A-0001-000945

ADMIN RECORD